

Case No. A98-009 Civil (HRH)

Barbara Dieckgraeff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

UNITED STATES OF AMERICA for the use of  
NORTH STAR TERMINAL & STEVEDORE COMPANY,  
d/b/a NORTHERN STEVEDORING & HANDLING,  
and NORTH STAR TERMINAL & STEVEDORE COMPANY,  
d/b/a Northern Stevedoring & Handling, on  
its own behalf,  
Plaintiffs,

and

UNITED STATES OF AMERICA for the use of  
SHORESIDE PETROLEUM, INC., d/b/a Marathon  
Fuel Service, and SHORESIDE PETROLEUM, INC.,  
d/b/a Marathon Fuel Service, on its own  
behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK  
PRODUCTS, INC.; UNITED STATES FIDELITY  
AND GUARANTY COMPANY; and ROBERT A. LAPORE,  
Defendants.

Case No. A98-009 CIV (HRH)

DEPOSITION OF BARBARA DIECKGRAEFF  
Pages 1 - 46 (inclusive)

November 29, 2005  
9:05 a.m.

Taken by the Defendants  
at  
Oles Morrison Rinker & Baker LLP  
745 West Fourth Avenue, Suite 502  
Anchorage, Alaska 99501

Reported by: Caren S. Carlson  
Registered Professional Reporter

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1 Q. All right. If I sue you, do you believe I have  
 2 to settle a case with you?  
 3 A. If you sue me?  
 4 Q. Yes.  
 5 A. Well, usually something is settled, either it's  
 6 decided you don't have to pay or you do have to pay.  
 7 Q. But during the lawsuit, if you believe in your  
 8 position, do you believe you have to settle with me?  
 9 A. No.  
 10 Q. You can take it to the bitter end if you choose?  
 11 A. You can, yes.  
 12 Q. You don't have any idea why USF&G has chosen not  
 13 to settle this case, do you?  
 14 A. No, I don't. I assume they would.  
 15 Q. And you don't have any knowledge of any  
 16 communications or lack of communications between Nugget  
 17 and USF&G?  
 18 A. No, not really. I wrote to the Army Corps of  
 19 Engineers and I wanted them all to know that we hadn't  
 20 been paid and I assumed that's what the bond is for.  
 21 MR. VIERGUTZ: I thank you for your time, ma'am.  
 22 MR. MACHETANZ: I think you're free to go back  
 23 to Seward.  
 24 MR. SHAMBUREK: I thank you for your courtesy.  
 25 THE REPORTER: How would you like to handle

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1 signature?  
 2 MR. SHAMBUREK: Read and sign.  
 3 (Proceedings adjourned at 10:15 a.m.)  
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1 CERTIFICATE  
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 3 BARBARA DIECKGRAEFF November 29, 2005  
 4  
 5 I hereby certify that I have read the foregoing  
 6 deposition and accept it as true and correct, with the  
 7 following exceptions:  
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PAGE	LINE	CORRECTION
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Date Barbara Dieckgraeff

(Use additional paper to note corrections as needed,  
 signing and dating each page.) (CC)

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1 REPORTER'S CERTIFICATE.  
 2  
 3 I, CAREN S. CARLSON, Registered Professional  
 4 Reporter and Notary Public in and for the State of  
 5 Alaska, do hereby certify:  
 6 That the witness in the foregoing proceedings  
 7 was duly sworn; that the proceedings were then taken  
 8 before me at the time and place herein set forth; that  
 9 the testimony and proceedings were reported  
 10 stenographically by me and later transcribed under my  
 11 direction by computer transcription; that the foregoing  
 12 is a true record of the testimony and proceedings taken  
 13 at that time; that the witness requested signature; and  
 14 that I am not a party to nor have I any interest in the  
 15 outcome of the action herein contained.  
 16 IN WITNESS WHEREOF, I have hereunto subscribed  
 17 my hand and affixed my seal this 8th day of December,  
 18 2005.  
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CAREN S. CARLSON  
 Notary Public for Alaska  
 My Commission Expires: 05-30-09

12 (Pages 42 to 45)

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Exhibit D  
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